

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION

MDL No. 2724  
Case No. 2:16-MD-02724

THIS DOCUMENT RELATES TO:

Hon. Cynthia M. Rufe

*ALL ACTIONS*

PRETRIAL ORDER NO. 188  
(SCHEDULE OF FURTHER PROCEEDINGS IN BELLWETHER CASES)

**AND NOW**, this 9th day of December 2021, upon *de novo* consideration of the Seventh Report and Recommendation of Special Master David Marion [MDL Doc. No. 1845], the partial objections, the briefing, and all of the proposed schedules, and after a Leadership Conference held this date, it is hereby **ORDERED** that the Report and Recommendation is **APPROVED** in part and the Court sets forth the following schedule of proceedings for the **Bellwether Cases**:

1. Fact discovery shall be completed no later than **January 17, 2023**.
2. Plaintiffs shall serve all expert reports and file applicable motions for class certification no later than **February 16, 2023**.
3. Depositions of Plaintiffs' experts shall be completed no later than **April 28, 2023**.
4. Defendants shall file all expert reports and responses to motions for class certification (with any expert reports in support thereof) and *Daubert* motions as to Plaintiffs' experts no later than **May 15, 2023**.
5. Depositions of Defendants' experts shall be completed no later than **July 31, 2023**.
6. Plaintiffs shall serve all rebuttal expert reports and file replies in support of class certification, responses to Defendants' *Daubert* motions, and *Daubert* motions as to Defendants' experts no later than **August 16, 2023**.
7. Depositions of Plaintiffs' new rebuttal experts, if any, shall be completed no later than **September 16, 2023**.
8. Defendants shall file sur-replies in opposition to class certification and responses in opposition to Plaintiffs' *Daubert* motions no later than **September 30, 2023**.
9. Plaintiffs shall file any further replies in support of class certification no later than **October 16, 2023**.

10. The Court will schedule hearings on class certification and *Daubert* motions for dates to be determined in **November 2023**.
11. All motions for summary judgment regarding the State Plaintiffs' bellwether case shall be filed no later than **October 16, 2023**.
12. All motions for summary judgment regarding the DPPs' and EPPs' bellwether cases shall be filed no later than **November 16, 2023**.
13. Responses to a motion for summary judgment shall be filed 60 days after the motion is filed.
14. Replies to a motion for a summary judgment shall be filed 30 days after the response is filed.
15. Oral argument on motions for summary judgment will be scheduled at the discretion of the Court.
16. Pretrial planning conferences, including with regard to *Lexecon*, will be scheduled at a later time in consultation with counsel.
17. All parties, in consultation with Special Master David Marion, shall continue to meet and confer on the scheduling of further proceedings in non-bellwether cases and proposed schedules shall be submitted to Special Master Marion no later than **February 9, 2022**.
18. Witnesses, including expert witnesses, shall be deposed no more than once, unless by agreement of the parties or by order of the Court for good cause shown. All disputes regarding depositions, including the length of the deposition of a particular witness, are referred in the first instance to Special Discovery Master Bruce Merenstein and whenever possible should be resolved before the witness is deposed.

It is so **ORDERED**.

**BY THE COURT**

**/s/ Cynthia M. Rufe**

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**CYNTHIA M. RUFÉ, J.**